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TECHNOLOGY CENTER 2100

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In re Application of: David SIMMEN)
Application No. 09/669,556)
Attorney Docket No. ST9-99-184)
Filed: September 26, 2000)
For: **QUERY OPTIMIZATION TECHNIQUE**)
FOR OBTAINING IMPROVED CARDINALITY)
ESTIMATES USING STATISTICS ON)
AUTOMATIC SUMMARY TABLES)

The petition for withdrawal of erroneously issued Notice of Abandonment, filed November 9, 2005, is being treated as a petition under 37 CFR 1.181 for withdrawal of the holding of abandonment.

A review of the application reveals that a Notice of Abandonment was mailed to the Applicant on November 3, 2005. The notice incorrectly indicated that the instant application was being held abandoned for failure to respond to the Advisory Action mailed on April 28, 2004. In response to the Final Office action, of December 24, 2003, Applicant timely filed a Notice of Appeal bearing a certificate of mailing under 37 CFR § 1.8(a) of March 23, 2004, as well as a timely filed Appeal Brief on May 21, 2004. Both the Notice of Appeal and Appeal Brief are currently located in the file.

In view of these facts, the abandonment of the application was clearly in error and is hereby **VACATED**. The Office regrets any inconvenience this may have caused.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to **WITHDRAW** the holding of abandonment and restore the instant application to pending status (Appeal Brief filed). The application will then be forwarded to the Examiner of record for prompt action on the merits.

Inquiries to this decision may be directed to Special Programs Examiner Brian Johnson at (571) 272-3595.

Brian L. Johnson
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Computer Architecture, Software, and Information Security